

1 OFFICE OF THE GENERAL COUNSEL
2 CLARK COUNTY SCHOOL DISTRICT
3 DONNA MENDOZA MITCHELL, ESQ.
4 Nevada Bar No. 2755
5 JEANNE-MARIE HANNA, ESQ.
6 Nevada Bar No. 8613
7 5100 West Sahara Avenue
8 Las Vegas, Nevada 89146
9 Phone: (702) 799-5373
10 *Attorneys for Defendant, CCSD*

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

10 Y.N., a minor, by and through
11 Guardian Ad Litem and
12 individual, LEONOR GILLAMADRID,

12 Plaintiffs,

13 v.

14 CLARK COUNTY SCHOOL DISTRICT,

15 Defendant.

CASE NO.: 2:13-cv-01315-JCM-VCF

CLARK COUNTY SCHOOL
DISTRICT'S NOTICE OF MOTION
AND MOTION FOR LEAVE TO FILE
UNDER SEAL

19 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that Defendant CLARK COUNTY SCHOOL
21 DISTRICT (hereinafter referred to as "CCSD" or "the District"),
22 by and through its undersigned attorneys, DONNA MENDOZA MITCHELL,
23 Deputy General Counsel, and JEANNE-MARIE HANNA, Assistant General
24 Counsel, hereby files this Motion for Leave to File Under Seal.
25 This Motion is made and based upon the pleadings and

26 / / /

27 / / /

28 / / /

1 papers on file herein, the attached points and authorities, and
2 any arguments which may be presented to the Court.

3 DATED this 9th day of December, 2013.

4 CLARK COUNTY SCHOOL DISTRICT
5 OFFICE OF THE GENERAL COUNSEL

6 By: /s/ Donna Mendoza Mitchell
7 DONNA MENDOZA MITCHELL, ESQ.
8 Nevada Bar No. 2755
9 JEANNE-MARIE HANNA, ESQ.
10 Nevada Bar No. 8613
11 5100 W. Sahara Avenue
12 Las Vegas, NV 89121
13 *Attorneys for Defendant*

11 MEMORANDUM OF POINTS AND AUTHORITIES

12 I. STATEMENT OF RELEVANT FACTS

13 On November 15, 2013, Plaintiffs, Y.N., a minor, by and
14 through his Guardian ad Litem and individual, LEONOR GILLAMADRID,
15 filed a Motion for Attorney's Fees under the Individuals with
16 Disabilities Education Act ("IDEA"), 20 U.S.C. §1415(i)(3)(B).

17 On December 6, 2013, the District filed its Opposition to
18 Motion for Attorney's Fees. See Court Docket #27. Plaintiff
19 Y.N. is a minor student. Inadvertently, Y.N.'s full name was
20 included in two exhibits to the Opposition: Exhibit #1 which
21 consisted of the request for due process hearing; and Exhibit #2
22 which consisted of a Resolution Agreement. The District hereby
23 requests that the Court seal the initial version of the
24 Opposition (Docket #27) and allow the District to refile a
25 corrected version of the Opposition with the minor student's name
26 redacted.

27 / / /

28 / / /

1 **II. LEGAL ANALYSIS**

2 Rule 5.2 of the Federal Rules of Civil Procedure provides,
3 with emphasis added:

4 Unless the court orders otherwise, in an electronic or
5 paper filing with the court that contains . . . the
6 *name of an individual known to be a minor* . . . a party
or nonparty making the filing may include only . . .
the *minor's initials*.

7 In this case, the District inadvertently included the full name
8 of minor student Y.N. on two exhibits to the District's
9 Opposition to Plaintiff's Motion for Attorney's Fees. See Court
10 Docket #27.

11 Under Local Rule 10-5(b), a party may file a motion for
12 leave to file documents under seal. The motion must be filed in
13 accordance with the Court's electronic filing procedures.

14 The District hereby requests that the Court grant the
15 District's Motion for Leave to File Under Seal. Court Docket #27
16 should be sealed. The District will simultaneously re-file a
17 corrected image of the Opposition. The corrected image will be
18 substantively identical with the exception that the minor's full
19 name will be redacted.

20 **III. CONCLUSION**

21 The District respectfully requests that the Court grant the
22 District's Motion for Leave to File Under Seal. Specifically,
23 Court Docket #27 should be sealed. The District also requests

24 / / /

25 / / /

26 / / /

27 / / /

28 / / /

1 that the Court accept the District's corrected Opposition to
2 Plaintiffs' Motion for Attorney's Fees that will be filed on this
3 same date.

4 DATED this 9th day of December, 2013.

5
6 CLARK COUNTY SCHOOL DISTRICT
OFFICE OF THE GENERAL COUNSEL

7
8 By: /s/ Donna Mendoza Mitchell
DONNA MENDOZA MITCHELL, ESQ.
9 Nevada Bar No. 2755
JEANNE-MARIE HANNA, ESQ.
10 Nevada Bar No. 8613
5100 W. Sahara Avenue
11 Las Vegas, NV 89121
Attorneys for Defendant

12 CERTIFICATE OF ELECTRONIC FILING

13 I hereby certify that on the 9th day of December, 2013, I
14 electronically filed the foregoing CLARK COUNTY SCHOOL DISTRICT'S
15 NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE UNDER SEAL with the
16 United States District Court, District of Nevada's CM/ECF System
17 upon Plaintiffs' counsel, Michelle M. Jones, Esq., who is a
18 registered user.

19 /s/ Eva Martinez
20 AN EMPLOYEE OF THE CLARK COUNTY
SCHOOL DISTRICT

21
22
23 IT IS SO ORDERED.

24 

25 UNITED STATES MAGISTRATE JUDGE
26 DATED: 12-10-2013
27
28